



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : O'DEA  
Appln. No. : 10/796,585  
Conf. No.: : 1115  
Filed: : March 9, 2004  
Title: : APPARATUS AND METHOD FOR RELIEVING DYSNEA  
Group Art Unit : Unknown  
Examiner : Unknown  
Docket No. : 98-58 C1

\* \* \* \* \*

October 27, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
(Filing Date Granted)

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, filing date granted, dated August 27, 2004, applicant hereby submits the following:

1. A copy of the Notice to File Missing Parts, filing date granted, dated August 27, 2004 (Form PTO-1533);
2. A Fee Transmittal Form, submitted in duplicate authorizing the Commissioner to charge the missing filing fee of \$770.00 and the surcharge for late filing fee of \$130.00 to deposit account no. 50-0558; and

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on October 27, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Express Mail Label No. EL 997387134 US.

*Michael W. Haas*

Michael W. Haas, Reg. No. 35,174

O'DEA -- Appln. No.: 10/796,585

3. A Preliminary Amendment.

The Commissioner is hereby authorized to charge the missing filing fee and the surcharge for late filing fee required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (724) 387-5026

Fax No.: (724) 387-5021

RESPIRONICS INC.  
1010 Murry Ridge Lane  
Murrysville, PA 15668-8525



## Certificate of Mailing by "Express Mail"

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Michael W. Haas

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

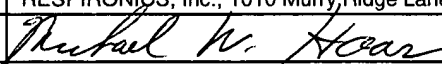
Note: Each paper must have its own certificate of mailing by "Express Mail".

		Application Number	10/796,585
		Filing Date	March 9, 2004
		Confirmation Number	1115
		Inventor(s)	O'DEA
		Group Art Unit	Unknown
Express Mail Label No.: EL 997387134 US		Examiner	Unknown
Total Number of Pages in This Submission: 13		Attorney Docket No.	98-58 C1

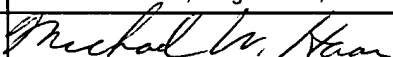
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (submit in duplicate)	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet
<input type="checkbox"/> Fee Attached \$ <input type="text"/>	<input type="checkbox"/> Cover Sheet	<input type="checkbox"/> After Allowance Communication to Group
Check No.: <input type="text"/>	<input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Request for Return of PTO-1449 Forms	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to the Commissioner	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Affidavits / Declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Request Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Address	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer(s)	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Cited References	<input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	
<input type="checkbox"/> Search report		
<input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet	<input type="checkbox"/> Other Enclosure(s): _____	
<input type="checkbox"/> Formal		
<input type="checkbox"/> Informal		

**Current Due Date:** October 27, 2004

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

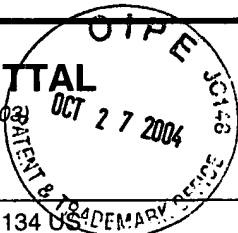
Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	
Date	October 27, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>October 27, 2004</u> , Express Mail Label No. <u>EL 997387134 US</u> .			
Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature		Date	October 27, 2004

**FEE TRANSMITTAL**

(Effective 10/01/2004)



"Express Mail" Label No. EL 997387134 US

**TOTAL AMOUNT OF PAYMENT**

\$ 900.00

Application Number

10/796,585

Filing Date

March 9, 2004

First Named Inventor

O'DEA

Confirmation Number

1115

Group Art Unit

Unknown

Examiner's Name

Unknown

Attorney Docket No.

98-58 C1

**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number  
Deposit Account Name

50-0558

Respironics, Inc.

☒

Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20

☐

Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☐

Payment Enclosed:

Check (Check No. \_\_\_\_\_)

**FEE CALCULATION (fees effective 10/01/2004)****1. FILING FEE**

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description	Fee Paid
1001 790	2001 395		Utility filing fee	770.00
1002 350	2002 175		Design filing fee	
1003 550	2003 275		Plant filing fee	
1004 790	2004 395		Reissue filing fee	
1005 160	2005 80		Provisional filing fee	

**SUBTOTAL (1)**

\$ 770.00

**2. CLAIMS**

Total Claims	Extra Claims	Fee from Below	Fee Paid
3	- 3 *	0 x 18 =	0.00
Ind. Claims	14	- 20 *	0 x 88 =
			0.00
Multiple Dependent Claims add		300 =	0.00

\* Enter Highest Number Previous Paid For

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description
1202 18	2202 9		Claims in excess of 20
1201 88	2201 44		Independent claims in excess of 3
1203 300	2203 150		Multiple dependent claim
1204 86	2204 43		Reissue independent claims over original patent
1205 18	2205 9		Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

\$ 0.00

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	430	2252	215	Extension for response within second month	
1253	980	2253	490	Extension for response within third month	
1254	1,530	2254	765	Extension for response within fourth month	
1255	2,080	2255	1,040	Extension for response within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,370	2453	685	Petition to revive unintentionally abandoned application	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	790	2809	395	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	790	2801	395	Request for Continued Examination	

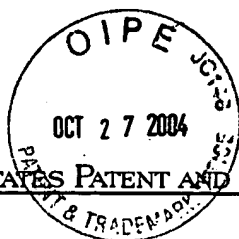
Other Fee (specify) \_\_\_\_\_

**SUBTOTAL (3)**

\$ 130.00

**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	October 27, 2004
		Deposit Account Number	50-0558



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/796,585	03/09/2004	John O'Dea	98-58 C1

30031  
 MICHAEL W. HAAS, INTELLECTUAL PROPERTY COUNSEL  
 RESPIRONICS, INC.  
 1010 MURRY RIDGE LANE  
 MURRYSVILLE, PA 15668

CONFIRMATION NO. 1115

## FORMALITIES LETTER



\*OC000000013658859\*

Date Mailed: 08/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

10796585

500558

10/29/2004 RHEB:BAHT 00000051

790.00 DA  
130.00 DA01 FC:1001  
02 FC:1051

*A copy of this notice MUST be returned with the reply.*

T.TU

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE